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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/999,308	12/29/97	FUJINO	FUJ014691

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EMPIRE STATE BUILDING  
60TH FLOOR  
NEW YORK NY 10118-0110

LMC1/0925

EXAMINER

ENG, G

ART UNIT

PAPER NUMBER

2743

DATE MAILED: 09/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/999,308

Applicant(s)

Fujino et al.

Examiner

George Eng

Group Art Unit

2743

☒ Responsive to communication(s) filed on Jun 28, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-6 and 8-14 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-6 and 8-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Response to Amendment*

1. This Office action is in response to the amendment filed 6/28/2000 (paper no. 13).

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-6 and 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shachar et al. (US PAT. 5,764,736 hereinafter Shachar).

Regarding claim 1, Shachar discloses a communication system as shown in figure 1 comprising a server (124) providing information, a terminal (100) communicating data with the server, and a communication network (122) connecting said server to said terminal (col. 7 line 38 through col. 8 line 26), wherein the system further comprises a temporary line disconnection unit for temporary disconnecting a line being used for primary data communication without issuing any disconnection notifications of the terminal when a third party other than the server is being voice

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communicated during a data communication between the terminal and the server (figure 4b and col. 14 lines 2-20), a data fetch unit for automatically fetching data from the server to the terminal (figure 4a and col. 13 lines 7-40), a storage unit for storing data fetch by said automatic data fetch unit (col. 13 lines 62-66), wherein a data communicating process is preformed from a status at a point immediately before starting the voice communication when said server and said terminal resume the data communication (figure 4c, col. 12 lines 34-57 and col. 14 lines 41-51). Note while Shachar teaches the communication system is able to download information from the server during data communication in the storage unit and to access the storage unit in order to accomplish various tasks (col. 8 lines 51-67, col. 10 lines 33-49 and col. 11 lines 35-41) so that the communication is capable of providing virtual data communication during voice communication. Therefore, the claimed limitations are met by Shachar.

Regarding claim 2, Shachar teaches the terminal obtaining a telephone number of the third party as information during the data communications (col. 10 lines 54-60).

Regarding claims 3-5, Shachar teaches the server comprising a telephone switch unit and the temporary line disconnecting unit provided in the terminal and the server for disconnecting between the terminal and the server when the terminal issues a request for voice communication with the third party (col. 11 line 7 through col. 12 line 49).

Regarding claims 6 and 8, Shachar discloses at least one unit provided on a server side for each use who receives a service of said server for managing personal information and communications status of each user (col. 9 lines 4-17 and col. 12 lines 23-49).

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Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claims 11-13, the limitations of the claims are rejected as the same reasons set forth in claims 3-5.

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claims 6 and 8.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6 and 8-14 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nagao (US PAT. 5,764,278) discloses a video conference apparatus for storing information when communication is temporarily disconnected (figure 3, abstract and col. 7 lines 13-36).

6. **Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

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**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 308-6296 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

GEORGE ENG

September 20, 2000

  
CURTIS A. KUNTZ  
SUPERVISORY PATENT EXAMINER  
GROUP 2700